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EXAMINER

MILIA, MARK R

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/917,493

Filing Date: July 27, 2001

Appellant(s): JARVIS ET AL.

MAILED

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Technology Center 2600

Charles W. Griggers
For Appellant

EXAMINER'S ANSWER

This is in response to the reply brief filed June 4, 2007 in response to the
Examiner's Answer mailed April 3, 2007.

Responsive to the reply brief under 37 CFR 41.41 file on June 4, 2007, a supplemental Examiner's Answer is set forth below:

Response to Arguments

Applicant's arguments regarding claim 1 have been fully considered but they are not persuasive.

Applicant asserts that the virtual machine instructions processor of Yan (US 6,003,065) does not invoke functionality on an application program loaded on a printer, as described in claim 1. The examiner respectfully disagrees as Yan does disclose such a feature. Particularly, Yan states that an application can request functionality from a peripheral device, using API **228** (agent), and the virtual machine instruction processor **214** (manager) executes the system calls. Further the API **228** enables executable computer programs **226** (application program) to access functionality associated with a peripheral device, such as a printer (see column 9 lines 33-39). Therefore the virtual machine instructions processor does invoke functionality on an application program loaded on a printer

Applicant also asserts that Yan fails to show that the peripheral API **228** is "remotely located" from the executable computer program **226**. The examiner respectfully disagrees as Yan does show such a feature. Particularly, Yan states that applications that make calls to peripheral API **228** can interface with different peripheral devices, for example using peripheral API **228** enables a first peripheral device to

request a second peripheral device to process data and return the image for further processing on the first peripheral device (see column 10 lines 35-55). Therefore, the peripheral API **228** can be “remotely located” from the executable computer program **226**.

The applicant further asserts, regarding claim 32, that Yan fails to disclose that the amount of resources being utilized by an applet is communicated to a remote agent. The examiner respectfully disagrees as Yan does disclose such features. Particularly, Yan discloses a query function that can be executed by peripheral APIs **228** that determines the capabilities of a device. In the case the device is a printer, such capabilities include text and font handling, image processing, finishing options, paper tray selections, and the like. Therefore, when an option is chosen by an application, such as a particular font or image processing method, an applet is downloaded into the printer and executed by the virtual machine instruction processor **214** to operate the printer to perform the selected option. Yan further discloses that at predetermined time periods, an application running on a host computer can download applets into a peripheral device and gather very detailed information about the peripheral device, which is performed by the API (agent) of the host device. The applet can obtain information about peripheral device, such as what areas of the device need repair or are close to being depleted. In the case that the peripheral device is a printer, such information could include the amount of paper available, amount of toner or ink, etc. Thus, an applet performing image, graphics, or color processing, uses resources such as paper and toner/ink of a printing device and therefore, if information concerning the

amount of paper and/or toner/ink is obtained then it can be seen that the amount of resources being utilized by the applet is attained and can be communicated to a "remote agent", the agent being the API of the host device (see column 22 line 57-column 23 line 12). Although claim 32 recites the terms "each applet", it can be seen that if only one applet is be used, such as color processing, that the amount of resources being utilized by the applet is obtained. To recapitulate, certain applets that execute on the printing peripheral, such as those applets that deal with color processing, "utilize" printer resources, such as paper, toner/ink, etc., and therefore when information is gathered about the amount of paper available and amount of toner/ink remaining, there is a direct correlation between the applet and the amount of resources that applet utilizes.

Therefore, the rejection of claims 1-37 is maintained.

Conclusion

Appellant may file another reply brief in compliance with 37 CFR 41.41 within two months of the date of mailing of this supplemental examiner's answer. Extensions of time under 37 CFR 1.136(a) are not applicable to this two month time period. See 37 CFR 41.43(b)-(c).

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



Mark R. Milia

10/27/07

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